

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

NESHAY JACKSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:17cv602-TSL-RHW

MS STATE BOARD OF CONTRACTORS

DEFENDANT

REPORT AND RECOMMENDATION

Before the Court is [2] the *pro se* Plaintiff's motion to proceed *in forma pauperis* (IFP) in this employment discrimination lawsuit. The granting or denying of leave to proceed IFP is left to the sound discretion of the District Court. *Willard v. U.S.*, 299 F.Supp. 1175, 1177 (N.D. Miss. 1969), *aff'd*, 422 F.2d 810 (5th Cir. 1970). Leave to proceed *in forma pauperis* is a privilege, not a right. *Evensky v. Wright*, 45 F.R.D. 506, 507-08 (N.D. Miss. 1968).

Plaintiff states in her IFP application that she earns \$2591.66 per month from her present employment, has \$10.02 in a checking account and owns a home valued at \$117,000. Plaintiff's income exceeds her total monthly expenses of \$2368, which consist of \$1118 for rent/home mortgage (including taxes), \$365 for utilities, \$45 for home maintenance, \$350 for food, \$110 for clothing, \$25 for laundry and dry-cleaning, \$115 for medical/dental, and \$240 for transportation.

RECOMMENDATION

From the information provided it appears to the undersigned that with minor adjustment of some expenses, *e.g.* \$110/month for clothing, Plaintiff has sufficient assets to pay the required filing fee. The undersigned recommends that the motion for leave to proceed IFP be denied.

NOTICE OF RIGHT TO APPEAL/OBJECT

Within 14 days after being served with a copy of a Report and Recommendation, a party may serve and file written objections to the Report and Recommendation, specifically identifying

the findings, conclusions, and recommendations to which she objects. The District Court need not consider frivolous, conclusive, or general objections. After service of objections, opposing parties have seven days to either serve and file a response or notify the District Judge that he does not intend to respond to the objection. Except on grounds of plain error, a party cannot attack on appeal any proposed factual finding or legal conclusion accepted by the District Court to which he did file timely objections. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Signed, this the 19th day of July, 2017.

/s/ Robert H. Walker
ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE